

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WILLARD L. SLOAN, EUGENE J.  
WINNINGHAM, BOB L. BERTRAM,  
JAMES L. KELLEY, on behalf of  
themselves and a similarly situated class,

Plaintiffs,

Case No. 09-cv-10918  
Hon. Paul D. Borman  
Magistrate Mona K. Majzoub

v.

**Class Action**

BORGWARNER, INC., BORGWARNER  
FLEXIBLE BENEFITS PLANS and  
BORGWARNER DIVERSIFIED  
TRANSMISSION PRODUCTS, INC.,

Defendants.

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David R. Radtke (P47016)  
Roger J. McClow (P27170)  
Patrick J. Rorai (P65091)  
KLIMIST, McKNIGHT, SALE,  
McCLOW & CANZANO, P.C.  
Attorneys for Plaintiffs  
400 Galleria Officentre, Suite 117  
Southfield, MI 48034  
248-354-9650; fax 248-354-9656  
[dradtke@kmsmc.com](mailto:dradtke@kmsmc.com)  
[rmcclow@kmsmc.com](mailto:rmcclow@kmsmc.com)  
[prorai@kmsmc.com](mailto:prorai@kmsmc.com)

Bobby R. Burchfield  
Joshua D. Rogaczewski  
McDERMOTT WILL & EMERY  
Attorneys for Defendants  
600 Thirteenth St., N.W.  
Washington, D.C. 20005  
202-756-8000; fax 202-756-8087  
[bburchfield@mwe.com](mailto:bburchfield@mwe.com)  
[jrogaczewski@mwe.com](mailto:jrogaczewski@mwe.com)

Elisa Angeli Palizzi (P52088)  
MILLER, CANFIELD, PADDOCK  
& STONE, P.L.C.  
Attorneys for Defendants  
150 W. Jefferson Avenue, Suite 2500  
Detroit, MI 48226  
313-496-7635; fax 313-963-6420  
[angeli@millercanfield.com](mailto:angeli@millercanfield.com)

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**STIPULATION TO DISMISS BOB L. BERTRAM AS A PLAINTIFF  
WITHOUT PREJUDICE TO HIS RIGHTS AS A CLASS MEMBER**

The parties, by their attorneys, file this Stipulation to Dismiss Bob L. Bertram as a Plaintiff without prejudice to his rights as a Class Member.

1. On April 3, 2009, Plaintiffs filed a Motion for Class Certification which requested Mr. Bertram become a Class Representative. (Dkt. #14)

2. The Court found that Mr. Bertram was not an adequate representative of the class because he was in poor health. (Dkt. #56)

3. On October 14, 2011, Plaintiffs filed a Motion to Withdraw Bob L. Bertram as a Named Plaintiff and Maintain his Status as a Class Member.

4. The parties stipulate and agree that Mr. Bertram will be dismissed as a Plaintiff without prejudice to his rights as a Class Member.

5. Upon the entry of an Order granting this Stipulation to Dismiss Mr. Bertram, Plaintiffs will withdraw their Motion to Withdraw Bob L. Bertram as a Named Plaintiff and Maintain his Status as a Class Member.

6. Plaintiffs will respond to Defendants' second discovery requests to Mr. Bertram within 30 days of the entry of the Order. Defendants reserve their rights to challenge the sufficiency of Mr. Bertam's responses.

S/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: November 4, 2011

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on November 4, 2011.

S/Felicia Moses for Denise Goodine

Case Manager

By: /s/ David R. Radtke

David R. Radtke (P47016)  
KLIMIST, McKNIGHT, SALE,  
McCLOW & CANZANO, P.C.  
Attorneys for Plaintiffs  
400 Galleria Officentre, Suite 117  
Southfield, MI 48034  
248-354-9650; fax 248-354-9656  
[dradtke@kmsmc.com](mailto:dradtke@kmsmc.com)

Dated: October 28, 2011

By: /s/ Joshua D. Rogaczewski (w/consent)

Bobby R. Burchfield  
Joshua D. Rogaczewski  
McDERMOTT WILL & EMERY  
Attorneys for Defendants  
600 Thirteenth St., N.W.  
Washington, D.C. 20005  
202-756-8000; fax 202-756-8087  
[bburchfield@mwe.com](mailto:bburchfield@mwe.com)  
[jrogaczewski@mwe.com](mailto:jrogaczewski@mwe.com)

Elisa Angeli Palizzi (P52088)  
MILLER, CANFIELD, PADDOCK  
& STONE, P.L.C.  
Attorneys for Defendants  
150 W. Jefferson Avenue, Suite 2500  
Detroit, MI 48226  
313-496-7635; fax 313-963-6420  
[angeli@millercanfield.com](mailto:angeli@millercanfield.com)

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